

Approved: Meeting No. 35-15

Attest:

Bridget Donnell Newton
Sara Taylor-Ferrell

**Mayor and Council Meeting
August 3, 2015
Meeting No. 31 - 15
7:00 pm**

Present:

Mayor Bridget Donnell Newton, Councilmember Beryl L. Feinberg, Councilmember Virginia Onley and Councilmember Julie Palakovich Carr.

Absent:

Councilmember Tom Moore

Staff Present:

Acting City Manager Jenny Kimball, Acting City Clerk/Treasurer Sara Taylor-Ferrell, and City Attorney Debra Daniel.

3. Reconvene in Open Session

The Mayor and Council convened in a regular meeting at 7:02 p.m. on Monday, August 3, 2015, in the Mayor and Council Chambers, City Hall, 111 Maryland Avenue, Rockville, Maryland.

4. Pledge of Allegiance

Mayor Newton led the Pledge of Allegiance.

5. Agenda Review

Acting City Clerk Sara Ferrell noted there were no changes to the agenda.

6. City Manager's Report

Deputy City Manager Jenny Kimball shared that the City's Public Works Department has received notification that the City's grant application for the Falls

Road East Shared Use Path has been approved by the National Capital Regional Transportation Planning Board at the Metropolitan Washington Council of Governments.

Deputy City Manager Kimball announced that the City's 15th Annual Back to School Jam would be held on Friday, August 21 at the Lincoln Park Community Center.

Deputy City Manager Kimball invited families to come and enjoy some end of summer fun at Rockville's free "Movies in the Parks" program each Wednesday through August 26.

Deputy City Manager reminded everyone that the Mayor and Council would be in summer recess starting after this evening's meeting with the next meeting scheduled for September 21.

7. Community Forum

Citizen	Issue
Patricia Woodward	Renaming of street
Jennifer Young	RMHS #5 Funds for gymnasium
Soo Lee Cho	Bodywork establishments and Tree Ordinance
Cara Lesser	Kids Museum
Joe Jordan	John Moser certificate; RMES#5; Council behavior
Brigitta Mullican	Confederate Statue

8. Mayor and Council's Response to Community's Forum and Announcements

Councilmember Onley thanked Ms. Woodward for the street renaming suggestion and agreed with Mr. Jordan on Council's behavior.

Mayor Newton encouraged Ms. Woodward to take the street name change suggestion to the Planning Commission, as well.

9. Mayor and Council Reports

Councilmember Feinberg invited everyone to come out for the National Night Out event and encouraged everyone to come out and participate.

Councilmember Onley attended the St. Mary's Potomac Valley Nursing Home outreach.

Councilmember Palakovich Carr attended the Traffic and Transportation Commission Meeting.

10. Proclamation Declaring Tuesday, August 4, 2015 as National Night Out in Rockville

Councilmember Onley read and presented the proclamation to members of the Rockville City Police Department.

Motion: to approve the proclamation

Moved by Councilmember Onley, seconded by Councilmember Feinberg and unanimously approved.

11. Proclamation Declaring the Week of August 2 through August 8, 2015 as National Farmers Market Week

Councilmember Palakovich Carr read and presented the proclamation to Kevin Rosenberg of the Washington-Rockville, Maryland Elks Lodge No. 15.

Motion: to approve the proclamation

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley and unanimously approved.

12. Presentation of a Certificate of Recognition for John Moser

Mayor Newton read and presented the certificate of recognition for John Moser to Mr. Moser's wife, Marlene Moser.

Motion: to move the proclamation

Moved by Councilmember Onley, seconded by Councilmember Feinberg and unanimously approved.

13. Consent Agenda

- a. Award of IFB #44-15 for the Water Main Rehabilitation Program and Emergency Utility Repairs**
- b. Award of a Rider Contract on Montgomery County Contract 650603017888 Custodial Services Zone II for Custodial Services**

- c. Approval to Increase the Dollar Amount of the City's Current Rider Contract for the Furnishing and Installation of Replacement Playground Equipment at Rose Hill Park and Park Improvements at Horizon Hill Park**
- d. Award of Invitation for Bid (IFB) #26-15 for Street Cleaning Services**
- e. Authorization to Approve a Rights-of-Way Use Agreement between the Mayor and Council and Lighttower Fiber Networks II, LLC**

Councilmember Feinberg requested that the Items A, B and C be removed and discussed separately.

Motion: to approve Consent Agenda Items 13D and 13E

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley and unanimously approved.

Questions of clarification were held between the Mayor and Council and staff on Consent Agenda Item 13A.

Motion: to approve Consent Agenda Item 13A

Moved by Councilmember Feinberg, seconded by Councilmember Onley and unanimously approved.

Councilmember Feinberg recused herself on Consent Agenda Item 13B due to a potential conflict of interest.

Motion: to approve Consent Agenda Item 13B

Moved by Councilmember Palakovich Carr, seconded by Councilmember Onley and approved with a vote of 3-1. Councilmember Feinberg is on the record for recusal.

Motion: to approve Consent Agenda Item 13C

Moved by Councilmember Feinberg, seconded by Councilmember Palakovich Carr and unanimously approved.

- 14. Introduction, and Possible Adoption, of an Ordinance to Amend Section 1-8 of the Rockville City Code entitled "Application of County law" so as to Allow Section 24-11B entitled "Bodywork Establishments" of Chapter 24 entitled "Health and Sanitation of the Montgomery County Code to Apply in the City**

Police Chief Terry Treschuk gave a brief overview of the ordinance.

Councilmember Feinberg introduced the ordinance.

Motion: to waive the layover period

Moved by Councilmember Feinberg, seconded by Councilmember Onley and unanimously approved.

Motion: to adopt the proposed ordinance

Moved by Councilmember Palakovich Carr, seconded by Councilmember Feinberg and unanimously approved.

15. Introduction and Adoption of an Ordinance to Amend Section 10.5-22 of the Rockville City Code Entitled “Tree replacement, reforestation and afforestation” so as to Increase the Disturbed Area Provision for Calculating Afforestation from 25% to 50% Under Certain Criteria

City Forester Wayne Noll provided a brief overview of the ordinance and noted that the State did come back with approval of the proposed changes. Some questions of clarification from the Mayor and Council were addressed by staff.

Councilmember Feinberg introduced the ordinance

Motion: to waive the layover period

Moved by Councilmember Onley, seconded by Councilmember Feinberg and unanimously approved.

Motion: to adopt the ordinance

Moved by Councilmember Feinberg, seconded by Councilmember Onley and unanimously approved.

16. Adoption of a Resolution to Amend the Forest Conservation Manual Adopted Pursuant to Chapter 10.5 of the Rockville City Code Entitled “Forest and Tree Preservation” so as to Increase the Disturbed Area

City Forester Wayne Noll provided a brief overview the resolution and stated that the State has also approved the changes to the Manual.

Motion: to adopt the resolution

Moved by Councilmember Palakovich Carr, seconded by Councilmember Feinberg and unanimously approved.

17. Presentation – 2014 White-tailed Deer Annual Report

Superintendent of Parks and Facilities Steve Mader gave a brief overview of the report and noted that it meets the requirements of the task force and the Mayor and Council. Discussion was held with the Mayor and Council and staff with questions of clarification from the Mayor and Council being addressed by staff.

18. Authorization to File a Zoning Text Amendment Making Modifications, Clarifications and Technical Corrections to the Zoning Ordinance

CPDS Zoning Administrator Deane Mellander briefly went over the proposed changes to the text amendment. Discussion was held with the Mayor and Council and staff with questions of clarification from the Mayor and Council being addressed by staff.

Motion: move to authorize to file a Zoning Text Amendment

Moved by Councilmember Feinberg, seconded by Councilmember Onley and unanimously approved.

19. Presentation – Fiscal Year 2015 Fourth Quarter Vacancy Report

Human Resources staff member Colette Anthony provided the fourth quarter vacancy report. A few comments were made by the Mayor and Council.

20. Review and Comment – Mayor and Council Action Report

The Mayor and Council reviewed the Action Report and made comments, corrections and recommendations.

22. Review and Comment – Future Agendas

The Mayor and Council reviewed the Future Agendas and made comments, corrections and recommendations.

23. Old/New Business

Mayor and Council requested that the MFD Purchasing Program be added to the October 5 agenda.

Motion: to accept proposal offered by Mr. Song for RMES#5 gymnasium contributions of \$400,000.

Moved by Councilmember Onley, seconded by Councilmember Feinberg and unanimously approved.

Motion: to provide monetary contribution for the World of Montgomery Festival event in the amount of \$10,000.00

Moved by Councilmember Onley, seconded by Councilmember Feinberg and unanimously approved.

Motion: to send an email to the County Council and County Executive stating the City will provide staff support during the Confederate statue workgroup and commend the County for the process and rapidity for which the statue was cleaned after the defacing.

Moved by Councilmember Palakovich Carr, seconded by Councilmember Feinberg and unanimously approved.

Motion: to schedule a worksession in the fall to help think through school safety zones

Moved by Councilmember Feinberg and seconded by Councilmember Onley.

24. Adjournment

There being no further business, the meeting adjourned at 9:13 p.m.

Moved by Councilmember Palakovich Carr, seconded by Councilmember Feinberg and unanimously approved.